

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
HARTFORD FIRE INSURANCE COMPANY  
a/s/o Sync Sound, Inc.,

: Case No.: 07 Civ 2998 (NRB)

Plaintiff,

: **AFFIDAVIT**

-against-

:

CUSHMAN & WAKEFIELD, INC. and 444 REALTY  
COMPANY, LLC,

:

Defendants.

:

:

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STATE OF Connecticut )  
 )  
COUNTY OF Hartford )

ss.:

John Beres being duly sworn, deposes and says:

1. I am Vice President with the Hartford Fire Insurance Company and respectfully submit this affidavit in opposition to defendants' motion to dismiss this action.
2. My responsibilities at Hartford include oversight of underwriting practices for property insurance.
3. The process of determining the premium for a particular property insurance policy is a complicated one in which many risk and other factors are considered.
4. One of the factors which Hartford considers, as do most if not all property insurance companies, is the loss history of the insured.
5. If a person has no history of insurance loss, then the cost of their property insurance is likely to be less than it would be if they had a history of such losses.

6. Phrased another way, when pricing a property insurance policy we consider the loss history of the insured, and the premium may be higher if the insured has experienced a significant loss or a frequency of losses.

7. On the other hand, if an insured suffers a loss which is paid for by Hartford, and then Hartford recovers part or all of that loss in a subrogation action, then Hartford will generally take such recovery into account – to the benefit of the insured - in determining the renewal premium.

John Beres

Sworn to before me this  
30<sup>th</sup> day of January 2008.

Sandra Johansen  
Notary Public

**SANDRA JOHANSEN**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES MAR. 31, 2010